

PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete If Known		
			Application Number	10/708,721-Conf. #2720	
			Filing Date	March 19, 2004	
			First Named Inventor	Paul Birkmeyer	
			Art Unit	3733	
			Examiner Name	J. L. Swiger	
Sheet	2	of	2	Attorney Docket Number	101896-0240

	AT1*	US-6,929,647-A1	08-16-2005	Cohen	
	AU1*	US-20030130659-A1	05-25-2004	Haider	07/2003
	AV1*	US-20040267277-A1	12-30-2004	Zannis et al.	
	AW1	US-20050085813-A1	04-21-2005	Spitler et al.	
	AX1*	US-20020116006-A1	08-16-2005	Cohen	08/2002
	AY1*	US-6,200,322	03-13-2001	Branch et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Footnote
		Country Code ² -Number ³ -Kind Code ⁴ (if known)					
	BA	WO-2004/04100		05-21-2004	LANDRY, Michael E.		
	BB	DE-10027988		01-10-2002	KOSMALA, Arkadiusz		
	BC	FR-2729291		01-12-1995	GENNARI Jean Marie		
	BD	EP-1190678		03-27-2002	BONO, Frank Scott		
	BE	FR-2798545		07-22-1999	BACCELLI Christian		
	BF	DE-29810798		05-21-2004	SCHAFER micomed GmbH		

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	CA	Kevin T. Foley, M.D., CD Horizon SEXTANT Rod Insertion System and Surgical Technique, pp. 1-30, Meditronic Sofamor Danek, Memphis, TN (July 2002).	
	CB	Stephen L. Ritland, M.D., Surgical Technique: Micro-TLIF "A Mini-Open and Intermuscular Transforaminal Lumbar Interbody Fusion," Aperture Spinal Access System, pp. 1-20, DePuy AcroMed, Inc., Raynham, MA (October 2002)	
	CC	The Dilation Retractor System, Bright Medical Instruments, Boca Raton, FL (April 2001)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature	/James L. Swiger/	Date Considered	01/27/2009
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JLS/

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/708,721- Conf. #2726
				Filing Date	March 19, 2004
				First Named Inventor	Paul Birkmeyer
				Art Unit	3738
				Examiner Name	J. L. Swiger
Sheet	1	of	1	Attorney Docket Number	101896-240 (MIT269)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
<i>LC</i>	AA	US-US2005/0131408 A1	06-16-2005	Sicvol, et al.	
	AB	US-2005/0131407 A1	06-16-2005	Sicvol, et al.	06/2005

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ² -Number ⁴ -Kind Code ⁵ (if known)				

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	<i>J. Swiger</i>	Date Considered	9/25/2006
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Receipt date: 03/25/2008 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10708721	10708721 - GAU: 3733
	Filing Date		2004-03-19	
	First Named Inventor	Paul Birkmeyer		
	Art Unit	3733		
	Examiner Name	J. L. Swiger		
	Attorney Docket Number	101896-0240 (DEP5278)		

	9	20050038434	A1	2005-02-17	Mathews	
	10	20050065517	A1	2005-03-24	Chin	
LC 3/25/08	11	20050171540	A1	2005-08-04	Lim et al.	
	12	20050182410	A1	2005-08-18	Jackson	
	13	US200501340-0131408		2005-06-16	Sicvol, et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	3434807	DE		1985-12-19	Mecron Med Prod Gmbh		<input type="checkbox"/>
	2	0528562	EP		1993-02-24	Smith & Nephew Dyonics		<input type="checkbox"/>
	3	9308745	WO		1993-05-13	Univ Florida		<input type="checkbox"/>
	4	9205742	WO		1992-04-16	Peyrou Pierre Louis et al.		<input type="checkbox"/>

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		Filing Date	March 19, 2004
		First Named Inventor	Paul Birkmeyer
		Art Unit	3733
		Examiner Name	J. L. Swiger
		Attorney Docket Number	101896-0240
Sheet	1	of	2

U.S. PATENT DOCUMENTS					
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	AA*	US-6,520,907	02-18-2003	Kevin T. Foley	
	AB*	US-5,954,635	09-21-1999	Kevin T. Foley	
	AC*	US-2004/0143265	07-22-2004	Michael Landry	
	AD*	US-2003/0199885	10-23-2003	Thomas Davison	
	AE*	US-2003/0195550	10-16-2003	Thomas Davison	
	AF*	US-2003/0083689	05-01-2003	Robert Simonson	
	AG*	US-2002/0198526	12-26-2002	Samuel Shaolian	
	AH*	US-2002/0082600	06-27-2002	Samuel Shaolian	
	AI*	US-2002/0049368	04-25-2002	Stephen Rittland	
	AJ*	US-6,331,179	12-18-2001	Jim Freid	
	AK*	US-5,847,873	07-15-1997	Joseph P. Errico	
	AL*	US-6,793,656	09-21-2004	HALLETT H. MATHEWS	
	AM*	US-5,569,248	10-29-1996	HALLETT H. MATHEWS	
	AN*	US-20050192579-A1	09-01-2005	Jackson	
	AO*	US-4,913,134	04-03-1990	Luque	
	AP*	US-20020169448-A1	11-14-2002	Vanacker	
	AQ*	US-6,554,831-A1	04-29-2003	Rivard et al.	
	AR*	US-5,242,446	09-07-1993	Steffee et al.	
	AS*	US-6,849,064	02-01-2005	Hamada	
	AT*	US-6,540,749-A1	04-01-2003	Schafer et al.	
	AU*	US-20020116000-A1	11-25-2003	Zucherman et al.	08/2002
	AV*	US-20030083657-A1	08-21-2004	Drewry et al.	05/2003
	AW*	US-6,652,527-A1	11-25-2003	Zucherman et al.	
	AX*	US-6,485,491	11-26-2002	Farris et al.	
	AY*	US-20050192570-A1	09-01-2005	Jackson	
	AZ*	US-5,171,279	12-15-1992	HALLETT H. MATHEWS	
	AA1*	US-6,033,406	03-07-2000	HALLETT H. MATHEWS	
	AB1*	US-5,817,094	10-06-1998	Joseph P. Errico	
	AC1*	US-6,183,472	02-06-2001	Christian Lutz	
	AD1*	US-2001/0001119	05-10-2001	Alan Lombardo	
	AE1*	US-2002/0068975	06-06-2002	George Teitelbaum	
	AF1*	US-2002/0123668	09-05-2002	Stephen Rittland	
	AG1*	US-2003/0083688	05-01-2003	Robert Simonson	
	AH1*	US-2003/0195549	10-16-2003	Thomas Davison	
	AI1*	US-2003/0195551	10-16-2003	Thomas Davison	
	AJ1*	US-2003/0208203	11-06-2003	Roy Lim	
	AK1*	US-2004/0138662	07-15-2004	Michael Landry	
	AL1*	US-5,728,097	03-17-1998	HALLETT H. MATHEWS	
	AM1*	US-6,235,028	12-12-2000	David Brumfield et al.	05/2001
	AN1*	US-6,530,926	03-11-2003	Thomas Davison	
	AO1*	US-6,530,929	03-11-2003	Jeff Justis	
	AP1*	US-6,250,322	06-26-2001	Porter	
	AQ1*	US-6,299,616	10-09-2001	Beger et al.	
	AR1*	US-4,545,374	10-08-1985	Jacobson	
	AS1*	US-6,159,179	12-12-2000	Simonson	

Examiner Signature	/James L. Swiger/	Date Considered	01/27/2009
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